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***Via Certified Mail –
Return Receipt Requested***

August 13, 2015

Dino Pick - Deputy City Manager
Plans and Public Works Department
City of Monterey
580 Pacific St., Room 7
Monterey, CA 93940

Members of the City Council
City of Monterey
580 Pacific St.
Monterey, CA 93940

**Re: Notice of Violations and Intent to File Suit Under the Federal Water
Pollution Control Act (Clean Water Act)**

Dear Mr. Pick and Members of the City Council:

STATUTORY NOTICE

This Notice is provided on behalf of California River Watch ("River Watch") with regard to violations of the Clean Water Act ("CWA" or "Act"; 33 U.S.C. § 1251 *et seq.*) that River Watch believes are occurring through the ownership and/or operation of the City of Monterey's sewage collection system and storm water collection system. River Watch hereby places the City of Monterey ("the City"), as owner and operator of the City of Monterey wastewater collection system, on notice that following the expiration of sixty (60) days from the date of this Notice, River Watch will be entitled under CWA § 505(a), 33 U.S.C. § 1365(a), to bring suit in the U.S. District Court against the City for continuing violations of an effluent standard or limitation pursuant to CWA § 301(a), and the Regional Water Quality Control Board, Central Coast Region, Water Quality Control Plan ("Basin Plan"), as the result of alleged unlawful discharges of sewage from the City's sewer pipelines, to a water of the United States.

River Watch takes this action to ensure compliance with the CWA which regulates the discharge of pollutants into navigable waters. The statute is structured in such a way that all discharges of pollutants are prohibited with the exception of enumerated statutory provisions. One such exception authorizes a discharger, who has been issued a permit pursuant to CWA § 402, to discharge designated pollutants at certain levels subject to certain conditions. The effluent discharge standards or limitations specified in a National Pollutant Discharge Elimination System (“NPDES”) permit define the scope of the authorized exception to the CWA § 301(a), 33 U.S.C. § 1311(a), prohibition, such that violation of a permit limit places a polluter in violation of the CWA. River Watch alleges the City violates the CWA by discharging pollutants from a point source to a water of the United States without complying with the CWA §§ 301(a) and 505(a)(1)(A), 33 U.S.C. §§ 1311(a), 1365(a)(1)(A).

The CWA provides that authority to administer the NPDES permitting system in any given state or region can be delegated by the Environmental Protection Agency (“EPA”) to a state or to a regional regulatory agency, provided that the applicable state or regional regulatory scheme under which the local agency operates satisfies certain criteria (see 33 U.S.C. § 1342(b)). In California, the EPA has granted authorization to a state regulatory apparatus comprised of the State Water Resources Control Board (“SWRCB”) and several subsidiary regional water quality control boards to issue NPDES permits. The entity responsible for issuing NPDES permits and otherwise regulating the City’s operations in the region at issue in this Notice is the Regional Water Quality Control Board, Central Coast Region (“RWQCB”).

While delegating authority to administer the NPDES permitting system, the CWA provides that enforcement of the statute’s permitting requirements relating to effluent standards or limitations imposed by the Regional Boards can be ensured by private parties acting under the citizen suit provision of the statute (*see* 33 U.S.C. § 1365). River Watch is exercising such citizen enforcement to enforce compliance by the City with the CWA.

NOTICE REQUIREMENTS

The CWA requires that any Notice regarding an alleged violation of an effluent standard or limitation, or of an order with respect thereto, shall include sufficient information to permit the recipient to identify the following:

1. *The specified standard, limitation, or order alleged to have been violated.*

River Watch has identified discharges of raw sewage from the City’s sewage collection system to waters of the United States in violation of CWA § 301(a), 33 U.S.C. § 1311(a) which states in part: “Except as in compliance with this section and sections 302,

306, 307, 318, 402, and 404 of this Act [33 U.S.C. §§ 1312, 1316, 1317, 1328, 1342, 1344], the discharge of any pollutant by any person shall be unlawful.”

2. *The Activity Alleged to Constitute a Violation.*

River Watch contends that from August 10, 2010 to August 10, 2015, the City has violated the Act as described in this Notice. River Watch contends these violations are continuing or have a likelihood of occurring in the future.

A. Collection System Subsurface Discharges Caused By Underground Exfiltration

Underground discharges, in which untreated sewage is discharged from the City’s collection system prior to reaching the Regional Treatment Plant are alleged to have been continuous throughout the period from August 10, 2010 through August 10, 2015 in violation of the CWA.

Exfiltration caused by pipeline cracks and other structural defects in the City’s collection system result in discharges to adjacent surface waters via underground hydrological connections. The City’s internal reports indicate discharges to surface waters not reported to the California Integrated Water Quality System (“CIWQS”) web based information and data program. Many sections of the City’s collection system are extremely old and in need of repair. Seventy six percent of the City’s sewer system was constructed prior to 1960 - 71 percent constructed before 1940. Untreated sewage is discharged from cracks, displaced joints, eroded segments, etc., into groundwater hydrologically connected to surface waters. Evidence indicates extensive exfiltration from lines located within 200 feet of a surface water.

River Watch alleges that such discharges are continuous wherever aging, damaged, and/or structurally defective sewer lines in the City’s collection system are located adjacent to surface waters. Surface waters and groundwater become contaminated with fecal coliform, exposing people to pathogens. Chronic failures in the collection system pose a substantial threat to public health. Studies tracing human markers specific to the human digestive system in surface waters adjacent to defective sewer lines have verified the contamination of the adjacent waters with untreated sewage.

Evidence of exfiltration can be found in mass balance data, inflow and infiltration (“I/I”) data, video inspection, and tests of waterways adjacent to sewer lines for nutrients, human pathogens and other human markers such as caffeine. Exfiltration from the City’s

collection system is a daily occurrence and a violation of the CWA.¹

B. Collection System Surface Discharges Caused By Sanitary Sewer Overflows

Sanitary Sewer Overflows (“SSOs”) in which untreated sewage is discharged above ground from the collection system prior to reaching the Regional Treatment Plant are alleged to have occurred both on the dates identified in the CIWQS Interactive Public SSO Reports (101 separate violations) and on the dates when no reports were filed by the City, all in violation of the CWA. The below listed violations are reported by the RWQCB, and evidenced by the CIWQS SSO Reporting Program Database Records.

41 - SSOs which were reported as reaching a water of the United States, as evidence in CIWQS and the records of the City. As listed in CIWQS the event IDs of those violations are: 758404, 775082, 777773, 779097, 779332, 780184, 785288, 786362, 790094, 790433, 796206, 799202, 800511, 800670, 801471, 803166, 803471, 803677, 803702*, 804096, 804175, 804505*, 804834, 805762**, 805808, 807751, 808216, 809175, 810242, 810744, 811262, 811643, 811759, 811790, 815413, 816340, 817144

(* = Two spill appearance points, however only one report was filed by the City. ** = Three spill appearance points, however only one report was filed by the City.)

All of these discharges are violations of CWA § 301(a), 33 U.S.C. 1311(a), in that they are discharges of a pollutant (sewage) from a point source (sewage collection system) to a water of the United States without complying with any other sections of the Act.

Releases Reported. The City’s aging collection system has historically experienced high I/I during wet weather. Structural defects which allow I/I into the sewer lines result in a buildup of pressure which causes SSOs. Overflows caused by blockages and I/I result in the discharge of raw sewage into gutters, canals and storm drains which are connected to adjacent surface waters such as Lake Estero, Larkin Creek (a seasonal creek that drains to the Pacific Ocean), and the Pacific Ocean, all waters of the United States.

As recorded in CIWQS Public SSO Reports, the City’s collection system has experienced at least 101 SSOs between September 24, 2010 and August 4, 2015, with a combined volume of at least 34,858 gallons – 22,283 gallons of which were reported as

¹ See Report of Human Marker Study issued July, 2008 and conducted by Dr. Michael L. Johnson, U.C. Davis water quality expert, performed for the City of Ukiah, finding the presence of human derived bacteria in two creeks adjacent to defective sewer lines.

having reached surface waters. For example, on February 9, 2014, a spill estimated at 5,500 gallons occurred at 1440 David Avenue caused by a root intrusion (Event ID # 803677). None of the sewage was recovered; it traveled into a storm drain, then exited approximately 100 feet from the Pacific Ocean, impacting Lover's Point Beach. Also, on November 18, 2014, a spill took place at Soledad and Mar Vista Drive caused by grease, and potentially aggravated by City staff working on the upper sewershed (Event ID # 810744). The spill (estimated at 6,000 gallons) went into a storm drain which discharges to Monterey Municipal Beach. The City's SSO Report downplays impacts to the Ocean, stating there was no flow downstream of the SSO. However, discharges to storm water channels are discharges to waters of the United States. While some areas where spills have occurred were dry at the time, the discharged pollutants remain on the surface of the land and enter receiving waters following rainfall or flooding.

This Notice also includes multiple violations that may have occurred on the same day but were reported to CIWQS as a single violation. Many of the City's SSO Reports state "null" for question 12, "Number of appearance points".

Discharges to Surface Waters. River Watch's expert believes that many of the SSOs reported by the City as having been contained without reaching a surface water did in fact discharge to surface waters, and those reported as partially reaching a surface water did so in greater volume than stated. The claim of full containment is further called into question by the fact that some of the SSO Reports filed by the City state the estimated start time of the SSO as the same time as, or very soon after, the reporting party first noticed the SSO. Studies have shown that most SSOs are noticed significantly after they have begun. The City's Reports indicate that some of the discharges reach a storm drain, but fail to determine the accurate amounts which reach a surface water.

Since the volume of SSOs of any significance is estimated by multiplying the estimated flow rate by the duration, the practice of estimating a later than actual start time leads to an underestimation of both the duration and the volume. The majority of the City's SSOs are estimated to total less than 100 gallons, however River Watch believes that many of these spills were far more significant than the City's Reports disclose. For example, the SSO Report from a spill event on July 17, 2011 (Event ID # 768560) lists the estimated start time and agency notification time both as 18:00:00, and lists the operator arrival time and spill end time both as 18:30:00. This spill occurred at Ocean Avenue and Third Street on the edge of the Pacific Ocean. Very little detail is given in the City's report. The total volume is estimated at only 10 gallons, not recovered, and the final spill destination is explained as "other sewer system structure". In describing a spill at 180 Soledad Drive on September 19, 2012 (Event ID # 786363) the City's SSO Report identifies the estimated SSO start time as 08:50:00, the agency notification time as 08:55:00, operator arrival time as 09:00:00, and the spill end time as 09:05:00 - 5 minute intervals between each. The City estimated a total

volume of 5 gallons for this SSO. River Watch contends the City is grossly underestimating the incidences and volume of SSOs that reach surface waters.

Mitigating Impacts. River Watch contends the City fails to adequately mitigate the impacts of SSOs. The City is a permittee under the Statewide General Requirements for Sanitary Sewer Systems, Waste Discharge Requirements Order No. 2006-003-DWQ ("Statewide WDR") governing the operation of sanitary sewer systems. The Statewide WDR mandates that the permittee shall take all feasible steps to contain and mitigate the Impacts of a SSO. The EPA's "*Report to Congress on the Impacts of SSOs*" identifies SSOs as a major source of microbial pathogens and oxygen depleting substances.

Numerous critical habitat areas exist within areas of the City's SSOs. The neighboring waterways to the City of Monterey include sensitive areas such as coastal wetlands and the federally protected Monterey Bay National Marine Sanctuary. There is no record of the City performing any analysis of the impact of SSOs on critical habitat of protected species under the ESA, nor any evaluation of the measures needed to restore water bodies designated as critical habitat from the impacts of SSOs.

The Statewide WDR requires the City to take all feasible steps and perform necessary remedial actions following the occurrence of a SSO including limiting the volume of waste discharged, terminating the discharge, and recovering as much of the wastewater as possible. Further remedial actions include intercepting and re-routing of wastewater flows, vacuum truck recovery of the spill, cleanup of debris at the site, and modification of the collection system to prevent further SSOs at the site. One of the most important remedial measures is the performance of adequate sampling to determine the nature and impact of the release. As the City is severely underestimating SSOs which reach surface waters, River Watch contends the City is also not conducting sampling on most SSOs.

C. Impacts to Beneficial Uses

Monterey Bay and El Estero Lake have many beneficial uses as defined in the RWQCB's Basin Plan. SSOs reaching these waters cause prohibited pollution by unreasonably affecting their beneficial uses. The Monterey Bay National Marine Sanctuary supports 33 species of marine mammals, 94 species of seabirds, and 345 species of fish. Among these are the threatened Green sturgeon, threatened Western snowy plover, and the endangered California clapper rail.

River Watch is understandably concerned regarding the effects of both surface and underground SSOs on critical habitat in and around the diverse and sensitive ecosystem of the City of Monterey.

3. *The Person or Persons Responsible for the Alleged Violation.*

The entity responsible for the alleged violations identified in this Notice is the City of Monterey and those of its employees responsible for compliance with the CWA and with any applicable state and federal regulations and permits.

4. *The Location of the Alleged Violation.*

The location or locations of the various violations alleged in this Notice are identified in records created and/or maintained by or for the City which relate to its sewage collection system as further described in this Notice.

The City, an incorporated city in Monterey County, is located on the Monterey Peninsula, 120 miles south of the City of San Francisco. The peninsula is bordered by Monterey Bay to the north, the Pacific Ocean to the west, and Carmel Bay to the south. With an elevation of approximately 26 feet, the City encompasses 8.5 square miles of land and 3.3 square miles of water (Monterey Bay). The City's 2013 population was approximately 28,294. The warmest months are July through October. The rainy season falls between November and April, with an average annual rainfall of approximately 20 inches.

The primary land use in the City's sewer service area is residential, with some commercial establishments, particularly along Cannery Row. Monterey Regional Airport, otherwise known as Monterey Peninsula Airport, brings the City a constant flow of tourists. Some of the City's major attractions include the Monterey Bay Aquarium, whale watching, the Monterey Museum of Art, The Presidio Museum of Monterey, Steinbeck Wax Museum, Del Monte Shopping Center, Monterey State Historic Park, Monterey Bay National Marine Sanctuary, and some of the most diverse beaches and parks in the world.

The City of Monterey provides wastewater collection services for approximately 27,000 residential and commercial customers within its boundaries, and to 140 customers in the County who are connected to the City's system. The wastewater is treated by the Monterey Regional Water Pollution Control Agency ("MRWPCA") which also serves the Cities of Pacific Grove, Del Rey Oaks, Seaside, Sand City, Fort Ord, Marina Castroville, Moss Landing, Boronda, Salinas and some unincorporated areas in northern Monterey County.

The City's wastewater collection system includes approximately 102 miles of sewer pipe, 7 lift stations, and over 2,000 sewer structures including manholes, clean outs, and lampholes. Many of the sewer mains and structures are over a century old and have reached the end of their useful lives. The collection system requires \$16.8 million in capital projects to prevent possible sewer backups, spills and regulatory fines, yet these essential projects

have been deferred for many years from lack of funding.

In 1972, in anticipation of the newly passed Clean Water Act, the cities of Monterey, Pacific Grove, and the Seaside Sanitation District entered into a Memorandum of Agreement, forming the Monterey Regional Water Pollution Control Agency ("MRWPCA") in order to achieve regional cooperation and efficiency. By the late 1980s, all the coastal municipalities and agencies with sewage treatment responsibility were participants in MRWPCA.

The MRWPCA owns and operates a sanitary sewer system serving a population of approximately 250,000 in 11 member entity jurisdictions, and treats 8.5 million gallons per day at the Regional Treatment Plant located north of the City of Marina. Members of MRWPCA include the Cities of Del Rey Oaks, Monterey, Pacific Grove, Salinas, Sand City, and Seaside; the Castroville Community Services District, Marina Coast Water District, Moss Landing County Sanitation District, Boronda County Sanitation District and Monterey County. The sewer system consists of "trunk line" transportation services for each of the 11 member entities via a system of 10 agency-owned pump stations and 34 miles of pipeline. Each MRWPCA member entity owns, operates, and maintains its own sewage collection system of smaller gravity mains, and operates under an entity-specific Sewer System Management Plan ("SSMP"). The City's collection system is part of the Monterey Peninsula Interceptor System which also includes Pacific Grove, Seaside, For Ord, and Marina, representing 46 percent of the total flow to the Regional Treatment Plant.

5. *The Date or Dates of Violation or a Reasonable Range of Dates During Which the Alleged Activity Occurred.*

River Watch has examined records of the SWRCB and the RWQCB with respect to the City's collection system for the period from August 10, 2010 through August 10, 2015. The range of dates covered by this Notice is August 10, 2010 through August 10, 2015. River Watch may from time to time update this Notice to include all violations of the CWA by the City which occur during and after the range of dates currently covered. Some violations are continuous, and therefore each day constitutes a violation.

6. *The Full Name, Address, and Telephone Number of the Person Giving Notice.*

The entity giving notice is California River Watch, referred to throughout this notice as "River Watch," an Internal Revenue Code § 501(c)(3) nonprofit, public benefit corporation duly organized under the laws of the State of California. River Watch has a very active branch in Southern California. Its headquarters and main office are located in Northern California with a mailing address of 290 S. Main Street, #817, Sebastopol, California. River Watch is dedicated to protecting, enhancing, and helping to restore surface waters and groundwaters of California including rivers, creeks, streams, wetlands, vernal

pools, aquifers and associated environs, biota, flora and fauna, and educating the public concerning environmental issues associated with these environs.

River Watch may be contacted via email: US@ncriverwatch.org, or through its attorneys. River Watch has retained legal counsel with respect to the issues raised in this Notice. All communications should be directed as follows:

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RECOMMENDED REMEDIAL MEASURES

I. DEFINITIONS

- A. Condition Assessment: A report that comprises inspection, rating, and evaluation of the existing condition of a sewer collection system. Inspection is based upon closed circuit television ("CCTV") inspections for gravity mains; manhole inspections for structural defects; and inspections of pipe connections at the manhole. After CCTV inspection occurs, pipe conditions are assigned a grade based on the Pipeline Assessment and Certification Program ("PACP") rating system, developed by the National Association of Sewer Service Companies. The PACP is a nationally recognized sewer pipeline condition rating system for CCTV inspections.
- B. Full Condition Assessment: A Condition Assessment of all sewer lines in the sewer collection system with the exception of sewer lines located within two hundred (200) feet of surface waters.
- C. Surface Water Condition Assessment: A Condition Assessment of sewer lines in the sewer collection system located within two hundred (200) feet of surface waters including gutters, canals and storm drains which discharge to surface waters.
- D. Significantly Defective: A sewer pipe is considered to be Significantly Defective if its condition receives a grade of 4 or 5 based on the PACP rating system. The PACP assigns grades based on the significance of the defect, extent of damage, percentage of flow capacity restriction, and/or the amount of pipe wall loss due to deterioration. Grades are assigned as follows:

- 5 – Most significant defect
- 4 – Significant defect
- 3 – Moderate defect
- 2 – Minor to moderate defect
- 1 – Minor defect.

II. REMEDIAL MEASURES

River Watch believes the following remedial measures are necessary to bring the City into compliance with the CWA and the Basin Plan, and reflect the biological impacts of the City's ongoing non-compliance with the CWA:

A. Sewer Collection System Investigation and Repair

1. The repair or replacement, within two (2) years, of all sewer lines in the City's sewer collection system located within two hundred (200) feet of surface waters, including gutters, canals and storm drains which discharge to surface waters, which have been CCTV'd within the past ten (10) years and were rated as Significantly Defective or given a comparable assessment.

2. Within two (2) years, the completion of Surface Water Condition Assessment of sewer lines which have not been CCTV'd during the past ten (10) years.

3. Within two (2) years after completion of the Surface Water Condition Assessment above, the City will:

- i. Repair or replace all sewer lines found to be Significantly Defective;
- ii. Repair or replace sewer pipe segments containing defects with a rating of 3 based on the PACP rating system, if such defect resulted in a SSO, or, if in the City's discretion, such defects are in close proximity to Significantly Defective segments that are in the process of being repaired or replaced; sewer pipe segments which contain defects with a rating of 3 that are not repaired or replaced within five (5) years after completion of the Surface Water Condition Assessment are to be re-CCTV'd every five (5) years to ascertain the condition of the sewer line segment. If the City determines that the grade-3 sewer pipe segment has deteriorated and needs to be repaired or replaced, the City shall complete such repair or replacement within two (2) years after the last CCTV cycle.

4. Beginning no more than one (1) year after completion of the Surface Water Condition Assessment, the City shall commence a Full Condition Assessment to be completed within seven (7) years. Any sewer pipe segment receiving a rating of 4 or 5 based on the PACP rating system shall be repaired or replaced within three (3) years of the rating determination.

5. Provision in the City's Capital Improvements Plan to implement a program of Condition Assessment of all sewer lines at least every five (5) years. Said program to begin one (1) year following the Full Condition Assessment described above.

B. SSO Reporting and Response

1. Modification of the City's Backup and SSO Response Plan to include in its reports submitted to the CIWQS State Reporting System the following items:

i. The method or calculations used for estimating total spill volume, spill volume that reached surface waters and spill volume recovered.

ii. For Category I Spills, a listing of nearby residences or business owners who have been contacted, to attempt to establish the SSO start time, duration, and flow rate, if such start time, duration, and flow rate have not been otherwise reasonably ascertained, such as from a caller who provides information that brackets a given time that the SSO began.

iii. Taking of photographs of the manhole flow at the SSO site using the San Diego Method array, if applicable to the SSO, or other photographic evidence that may aid in establishing the spill volume.

2. Water quality sampling and testing to be required whenever it is estimated that fifty (50) gallons or more of untreated or partially treated wastewater enters surface waters.

i. Constituents tested for to include: Ammonia, Fecal Coliform, E. coli and a CAM-17 toxic metal analysis.

ii. The City shall collect and test samples from three (3) locations: the point of discharge, upstream of the point of discharge, and downstream of the point of discharge. If any of said constituents are found at higher levels in the point of discharge sample and the downstream sample than in the upstream sample, the City will determine and address the cause of the SSO that enters surface waters, and employ the following measures to prevent future overflows: (a) if the SSO is caused by a structural defect, then immediately spot repair the defect or replace the entire

line; (b) if the defect is non-structural, such as a grease blockage or vandalism to a manhole cover, then perform additional maintenance or cleaning, and any other appropriate measures to fix the non-structural defect.

3. Creation of website capacity to track information regarding SSOs; or in the alternative, the creation of a link from the City's website to the CIWQS SSO Public Reports. Notification to be given by the City to all customers and other members of the public of the existence of the web-based program, including a commitment to respond to private parties submitting overflow reports.

4. Performance of human marker sampling on creeks, rivers, wetlands and areas of Lake Estero, Larkin Creek (a seasonal creek that drains to the Pacific Ocean), Walter Colton settling pond/basin and Lover's Point Beach (located in Pacific Grove) adjacent to sewer lines to test for sewage contamination from exfiltration.

C. Lateral Inspection/Repair Program

1. Creation of a mandatory, private sewer lateral inspection and repair program triggered by any of the following events:

- i. Transfer of ownership of the property if no inspection/replacement of the sewer lateral occurred within ten (10) years prior to the transfer;
- ii. The occurrence of two (2) or more SSOs caused by the private sewer lateral within two (2) years;
- iii. A change of the use of the structure served (a) from residential to non-residential use, (b) to a non-residential use that will result in a higher flow than the current non-residential use, and (c) to non-residential uses where the structure served has been vacant or unoccupied for more than three (3) years;
- iv. Upon replacement or repair of any part of the sewer lateral;
- v. Upon issuance of a building permit with a valuation of \$25,000.00 or more; or,
- vi. Upon significant repair or replacement of the main sewer line to which the lateral is attached.

CONCLUSION

The violations set forth in this Notice effect the health and enjoyment of members of River Watch who reside and recreate in the affected community. Members of River Watch use the affected watershed for recreation, fishing, swimming, hiking, photography, nature walks and the like. Their health, use and enjoyment of this natural resource is specifically impaired by the City's alleged violations of the CWA as set forth in this Notice.

CWA §§ 505(a)(1) and 505(f) provide for citizen enforcement actions against any "person", including a governmental instrumentality or agency, for violations of NPDES permit requirements and for un-permitted discharges of pollutants. 33 U.S.C. §§ 1365(a)(1) and (f), § 1362(5). An action for injunctive relief under the CWA is authorized by 33 U.S.C. § 1365(a). Violators of the Act are also subject to an assessment of civil penalties of up to \$37,500.00 per day/per violation for all violations pursuant to Sections 309(d) and 505 of the Act, 33 U.S.C. §§ 1319(d), 1365. *See also* 40 C.F.R. §§ 19.1 – 19.4. River Watch believes this Notice sufficiently states grounds for filing suit in federal court under the "citizen suit" provisions of CWA to obtain the relief provided for under the law.

The CWA specifically provides a **60-day** "notice period" to promote resolution of disputes. River Watch strongly encourages the City to contact River Watch within **20 days** after receipt of this Notice Letter to initiate a discussion regarding the allegations detailed in this Notice. In the absence of productive discussions to resolve this dispute, River Watch will have cause to file a citizen's suit under CWA § 505(a) when the 60-day notice period ends.

Very truly yours,


Jack Silver

JS:lhbm

cc: Administrator
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